IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 162 OF 2005

THE COUTBAND FISHERIES CO-OPERATIVE SOCIETY LTD.,REP.BY ITS CHAIRMAN SHRI BENJAMIN SILVA AND ANR., ...Petitioners

Versus

STATE OF GOA THROUGH CHIEF SECRETARY AND ANR., ...Respondents

Mr. S. G. Bhobe, Advocate for the petitioners.

Mr. M. S. Joshi, Government Advocate for the respondents.

Coram:- R. M. LODHA, J.

Date:- 22nd September, 2005

P.C.

Mr. M. S. Joshi, the learned Government Advocate for the respondents submits that the impugned order is appealable under Section 152 of the Maharashtra Co-operative Societies Act, 1960 which has been made applicable to the State of Goa.

Mr. S. G. Bhobe, the learned Counsel for the petitioners, however, submits that the writ petition is directed against the order passed under Section 13-A(2) of the Maharashtra Co-operative Societies Act and such order is not amenable to appeal under Section 152 of that Act.

I considered the provisions contained in Section 13 and 13-A(2) of the Maharashtra Co-operative Socities Act 1960 and also Section 152 of the Act. Looking to the scheme of Section 13 and 13A, the appeal having been provided against the order passed under Section 13, the order passed under Section 13A(2) shall also be amenable to appeal under

Section 152. The remedy of appeal under Section 152 is efficient and adequate.

In the circumstances, I am satisfied that no case for invocation of the extra-ordinary jurisdiction is made out. However, this will not preclude the petitioners in pursuing their remedy of appeal under Section 152. In case an appeal is preferred by the petitioners under Section 152, the time during which the writ petition remained pending shall be excluded.

The writ petition is dismissed in limine with the afore said observations.

R. M. LODHA, J.

ssm.